

AN ORDINANCE

BY THE PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE:

AN ORDINANCE AUTHORIZING THE SETTLEMENT OF ALL CLAIMS IN THE CASE OF ALLSTATE INSURANCE COMPANY VS. RUSSELL BLANTON SCHIANANTIES, IN THE STATE COURT OF FAYETTE COUNTY, GEORGIA, CIVIL ACTION FILE NO. 04SV012, IN THE AMOUNT OF \$3,319.96; AUTHORIZING THE CHIEF FINANCIAL OFFICER TO DISTRIBUTE THE SETTLEMENT AMOUNT; TO WAIVE SECTION 2-783(h); AND FOR OTHER PURPOSES.

WHEREAS, on March 3, 2003, Atlanta Fire Department FAO Russell Schwantes (incorrectly identified as "Schiananties" in the above-referenced lawsuit), while operating a City of Atlanta motor vehicle, was involved in a collision with the motor vehicle being operated by David Wacht; and

WHEREAS, as a result of the collision David Wacht suffered property damages to his vehicle in the approximate amount of \$2,551.78; and

WHEREAS, pursuant to the terms of David Wacht's insurance coverage policy, Allstate Insurance Company paid to Mr. Wacht \$2,551.78 in property damage, \$229.64 for diminution of property value, and \$538.54 in rental expenses; and

WHEREAS, Allstate Insurance Company, as subrogee of David Wacht, has brought suit against Russell Schwantes in the State Court of Fayette County, under Civil Action File No. 04SV012; and

WHEREAS, the said lawsuit alleges that the Russell Schwantes is liable for damages resulting from its negligence in the amount of \$3,319.96, as well as penalties and attorney's fees pursuant to O.C.G.A. §§ 13-6-11 and 51-12-14 ; and

WHEREAS, counsel for the parties have tentatively agreed to resolve all claims in this matter for a total of \$3,319.96, including attorney's fees, contingent upon the approval of the Council of the City of Atlanta and the Mayor; and

WHEREAS, by this settlement neither the City of Atlanta nor Russell Schwantes admit liability or wrongdoing; and

WHEREAS, the offer of settlement acceptable to Plaintiff is, in the opinion of the City Attorney, appropriate to settle all claims against Russell Scwantes arising out of the case of Allstate Insurance Company v. Russell Blanton Sciananties;

THE COUNCIL OF THE CITY OF ATLANTA, HEREBY ORDAINS as follows:

SECTION 1. The City Attorney is hereby authorized to settle the case of Allstate Insurance Company v. Russell Blanton Sciananties in the amount of Three Thousand, Three Hundred and Nineteen Dollars and Ninety Six Cents (\$3,319.96).

SECTION 2. The Chief Financial Officer is authorized to pay the total of Three Thousand, Three Hundred and Nineteen Dollars and Ninety Six Cents (\$3,319.96) from the account of 1A01-529017-T31001, "Settlement of Suits and Claims." Payment shall be in the form of a check in the amount of \$3,319.96, payable to Allstate Insurance Company and Edward M. Harris, Esq. Such payment will be in full consideration of the dismissal of all claims against the City of Atlanta and its current and former officers.

SECTION 3. To the extent that Section 2-783(h) of the Code of Ordinances of the City of Atlanta is in conflict herewith, that subsection is waived for this instance only to permit the payment of \$3,319.96 on behalf of Russell Schwantes, who

was incorrectly identified as “Schiananties” by the Plaintiff in the matter of Allstate Insurance Company v. Russell Blanton Sciananties.